

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1059 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 9-13-2-30.7 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2002]: **Sec. 30.7. "Commercial mobile radio**
- 6 **service", for purposes of IC 9-21-21-6, has the meaning set forth in**
- 7 **IC 36-8-16.5-5.**
- 8 SECTION 2. IC 9-13-2-49.7 IS ADDED TO THE INDIANA CODE
- 9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 10 1, 2002]: **Sec. 49.7. "Emergency situation", for purposes of**
- 11 **IC 9-21-21-7(c), has the meaning set forth in IC 9-21-21-7(c).**
- 12 SECTION 3. IC 9-13-2-72.1 IS ADDED TO THE INDIANA CODE
- 13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 14 1, 2002]: **Sec. 72.1. "Hand held mobile telephone" means a mobile**
- 15 **telephone with which a user engages in a call using at least one (1)**
- 16 **hand.**
- 17 SECTION 4. IC 9-13-2-72.3 IS ADDED TO THE INDIANA CODE
- 18 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 19 1, 2002]: **Sec. 72.3. "Hands free mobile telephone", for purposes of**
- 20 **IC 9-21-21, has the meaning set forth in IC 9-21-21-2.**
- 21 SECTION 5. IC 9-13-2-76.1 IS ADDED TO THE INDIANA CODE
- 22 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 23 1, 2002]: **Sec. 76.1. "Immediate proximity", for purposes of**
- 24 **IC 9-21-21, has the meaning set forth in IC 9-21-21-3.**

SECTION 6. IC 9-13-2-103.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 103.3. "Mobile telephone", for purposes of IC 9-21-21, has the meaning set forth in IC 9-21-21-4.**

SECTION 7. IC 9-13-2-195.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 195.1. "Use", for purposes of IC 9-21-21, has the meaning set forth in IC 9-21-21-5.**

SECTION 8. IC 9-13-2-199.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 199.1. "Wireless telephone service", for purposes of IC 9-21-21, has the meaning set forth in IC 9-21-21-6."**

Page 3, between lines 36 and 37, begin a new paragraph and insert:  
"SECTION 21. IC 9-21-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

**Chapter 21. Use of Mobile Telephones by Persons Less Than Eighteen Years of Age**

**Sec. 1. This article applies to a person who is not a resident of Indiana under the same conditions as this article applies to a resident of Indiana.**

**Sec. 2. As used in this chapter, "hands free mobile telephone" means a mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition whether or not permanently part of the mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to:**

- (1) activate;**
- (2) deactivate; or**
- (3) initiate a function of;**

**the mobile telephone.**

**Sec. 3. As used in this chapter, "immediate proximity" means the distance that permits the user of a mobile telephone to hear the telecommunication transmitted over the mobile telephone that does not require physical contact with the ear of the user.**

**Sec. 4. As used in this chapter, "mobile telephone" means the device used by a subscriber and another operator of a wireless telephone service to access the service.**

**Sec. 5. As used in this chapter, "use" means holding a mobile telephone to, or in the immediate proximity of, the ear of the operator of a motor vehicle. The term does not include holding a mobile telephone to:**

- (1) activate;**
- (2) deactivate; or**
- (3) initiate a function of;**

**the telephone.**

1       **Sec. 6. As used in this chapter, "wireless telephone service"**  
 2       **means two-way real time voice telecommunications service that is**  
 3       **interconnected to a public switched telephone network and is**  
 4       **provided by a commercial mobile radio service (as defined in**  
 5       **IC 36-8-16.5-5).**

6       **Sec. 7. (a) Except as provided in subsections (b) and (c), a person**  
 7       **less than eighteen (18) years of age who operates a motor vehicle**  
 8       **and simultaneously uses a hand held mobile telephone commits a**  
 9       **Class D infraction.**

10       **(b) Subsection (a) does not apply to an operator of:**

11           **(1) an authorized emergency vehicle;**

12           **(2) a medical services vehicle;**

13           **(3) a privately owned vehicle if:**

14               **(A) the operator of or a passenger in the vehicle is a**  
 15               **volunteer firefighter en route to the scene of a fire or other**  
 16               **emergency in the line of duty; and**

17               **(B) a blue light is displayed on the vehicle under**  
 18               **IC 36-8-12-11; or**

19           **(4) a privately owned vehicle if:**

20               **(A) the operator of or a passenger in the vehicle is a**  
 21               **certified emergency medical technician, a certified**  
 22               **emergency medical service driver, or a certified emergency**  
 23               **medical service first responder en route to the scene of**  
 24               **emergency medical service activities in the line of duty;**  
 25               **and**

26               **(B) a green light is displayed on the vehicle under**  
 27               **IC 9-19-14.5-1.**

28       **(c) Subsection (a) does not apply if the mobile telephone is used**  
 29       **in an emergency situation to:**

30           **(1) transmit an emergency call (as defined in IC 35-45-2-3(c));**

31           **(2) contact a health care provider (as defined in**  
 32           **IC 16-18-2-163);**

33           **(3) contact a police and law enforcement system established**  
 34           **under IC 36-8-2-2; or**

35           **(4) contact a firefighting and fire prevention system**  
 36           **established under IC 36-8-2-3.**

37       **As used in this subsection, "emergency situation" means a threat**  
 38       **to the safety or security of persons or property, or both.**

39       **Sec. 8. Section 7 of this chapter does not prohibit the use of a**  
 40       **hands free mobile telephone by the operator of a motor vehicle."**

41       Page 5, between lines 41 and 42, begin a new paragraph and insert:

42       "SECTION 24. IC 9-24-11-3, AS AMENDED BY P.L.79-2001,  
 43       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 44       JULY 1, 2002]: Sec. 3. (a) A license issued to an individual less than  
 45       eighteen (18) years of age is a probationary license.

46       (b) An individual holds a probationary license subject to the  
 47       following conditions:

(1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual who:

(A) is at least twenty-one (21) years of age; and

(B) holds a valid operator's license issued under this article; is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

**(4) The individual may not operate a motor vehicle and simultaneously use a hand held mobile telephone subject to the exceptions in IC 9-21-21.**

(c) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) A probationary license issued under this section:

(1) is valid for not more than four (4) years from the date the license is issued; and

(2) may not be renewed."

Renumber all SECTIONS consecutively.

(Reference is to HB 1059 as printed January 31, 2002.)

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Representative Thompson